HON'BLE SRI JUSTICE R.SUBHASH REDDY

W.P.No.4605 of 2007

Dated 20th day of July, 2007

Between:

Shaik Khaleel Basha ..
Petitioner

And

The University of Hyderabad,
rep. By its Registrar,
Central University, Gachibowli,
Hyderabad
and another ..
Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the respondents in denying admission to the petitioner into Ph.D course (Hindi) for the academic year 2006-2007, as arbitrary and illegal.

The petitioner asserts that the 1st respondent-University issued a Notification for admission into various courses offered by it for the year 2006-2007. One such notified course is Ph.D in Hindi. In the Notification itself it was stated that after completion of regular admissions of Ph.D in July, 2006, vacant seats if any in Ph.D programme, would be filled up during January, 2007 session. For Ph.D course in Hindi, the total intake capacity was 8 seats. The admissions were based on a written test followed by an interview. The written test was conducted on 5.6.2006, and though the petitioner was qualified in it, when he was called for interview held on 8.7.2006, he did not appear. In the interview, only five persons were selected and admitted to the said course. With regard to remaining three vacancies, another Notification was issued on 30.11.2006. The petitioner again applied for admission under this Notification, but he could not secure the qualifying marks of 55% in the written examination. Now, the grievance of the petitioner is that he is a physically challenged person and though he was entitled to the seat, he was deprived of it without any valid reason.

Heard the learned counsel for both the parties.

Though, Sri Syed Shareef Ahmed, learned counsel for the petitioner, has contended that some others who did not come up for selection were illegally admitted, this issue cannot be examined in this writ petition for the reason that their selection is not challenged.

The case of the petitioner is that he appeared for the entrance examination conducted in June, 2006 for admission into Ph.D., but was not selected. Thereafter, he appeared for examination in January, 2007 and though 8 candidates including the petitioner were selected, only 3 candidates were admitted without following any reservations. Therefore, denial of seat to the petitioner in Ph.D. is illegal and arbitrary.

With regard to the first selection, it is stated in the counter affidavit that as per the Resolution of the Academic Council, only 3% reservation to the physically handicapped persons is being implemented only when the intake is more than 10 seats. In any event, it is to be seen that though the petitioner was qualified in the written test, he did not attend the interview on 8.7.2006. Though the learned counsel for the petitioner has submitted that in M.Phil, course work could not be completed by the time of admission of Ph.D courses, but the fact remains that the petitioner did not attend interview on 8.7.2006 for claiming admission to the course. As such, among the qualified candidates who attended interview, 5 vacancies were filled and remaining three were notified as per the earlier Notification. When the remaining vacancies were notified, the petitioner also applied, and even if the petitioner claims that he succeeded in the entrance examination and was called for interview, but in the counter affidavit it is categorically stated that in pursuance of the Notification dated 30.11.2006 though the petitioner

appeared in the written test, he was not qualified in it because he secured only 47% of marks as against the required 55% of marks. In that view of the matter, calling the petitioner either for interview or for further selection, does not arise.

That apart, though it is the plea of the learned counsel for the petitioner that some others were granted admission illegally, neither those persons are made as parties nor their admission is challenged in this writ petition.

Therefore, inasmuch as the petitioner did not attend the interview held on 8.7.2006 and was not qualified in the subsequent entrance examination conducted for filling up of three vacancies, I do not find any illegality in the process of admission into Ph.D course in Hindi by the 1st respondent-University.

Hence, the writ petition is devoid of merits and the same is dismissed. No costs.

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20.07.2007

bcj